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SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510

#86-578

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February 20, 1986

The Honorable George Bush
Vice President of the United States
The White House
Washington, D.C. 20500

Handwritten: 1/24/86
VP
4/2/86

Dear Mr. Vice President:

As you know, the Select Committee on Intelligence has for some time been concerned that the statutory frameworks provided by the War Powers Resolution and Intelligence Oversight legislation are not conducive to productive congressional notification and consultation in situations involving the employment of special military operations forces in hostage rescue efforts or in preemptive or retaliatory counterterrorist operations. We have been especially concerned that considerations regarding the potential applicability of the War Powers or Intelligence Oversight frameworks could actually impact adversely on U.S. efforts to counter terrorism by causing operational decisions to be influenced by oversight considerations.

The Committee's Counsels accordingly have been engaged in informal consultations with knowledgeable Executive and Legislative Branch officers, and the issue was explored in one of the issue papers which the Committee forwarded to your Task Force on Combatting Terrorism. We were pleased that your Task Force report specifically noted (page 48) that "it would be prudent to continue the informal discussions [between the Congress and the Executive Branch] to clarify reporting and oversight requirements." Another meeting to do precisely that was scheduled for February 20, 1986. Thus, we were dismayed to be told that our Chief Counsel had been informed by the State Department Legal Adviser on February 19th that the Administration had determined to discontinue its participation in our series of informal consultations.

We certainly hope that this decision will be reconsidered. In the meantime, because we consider the issue to be an important one, we have instructed our staff to proceed as best they can and to prepare appropriate

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recommendations, including legislative proposals, which the Committee can pursue. Mr. Vice President, we continue to believe that this effort is best undertaken on a cooperative basis that would allow maximum Executive Branch participation throughout the process. We hope that you will exert your influence to ensure that your Task Force's sound recommendation in this regard is adhered to.

Sincerely,



Dave Dorenberger
Chairman



Patrick Leahy
Vice Chairman